
From: Greg Dexter
Sent: Saturday, April 08, 2017 10:49 AM
To: Jacobs, Edward J.
Cc: Helen Chaitman; Sheehan, David J.; Shifrin, Maximillian S.
Subject: RE: Madoff clawback hearing on subpoenas

Why don't we just enter a consent order agreeing that we will not schedule any depositions or accept any documents until the Court considers the merits of the Trustee's application?

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From: Jacobs, Edward J. [mailto:ejacobs@bakerlaw.com]
Sent: Friday, April 07, 2017 8:01 PM
To: Greg Dexter <gdexter@chaitmanllp.com>
Cc: Helen Chaitman <hchaitman@chaitmanllp.com>; Sheehan, David J. <dsheehan@bakerlaw.com>; Shifrin, Maximillian S. <mshifrin@bakerlaw.com>
Subject: RE: Madoff clawback hearing on subpoenas

Greg,

What I said was that we are concerned that we have been repeatedly asking for these assurances for two weeks, and they have been denied. Since you refused to disclose the return dates of any of the subpoenas, and also failed to instruct the subpoenaed parties to hold compliance in abeyance pending judicial resolution of our letter, we have no choice but to move forward with the hearing as expeditiously as possible. As I told Ms. Chaitman, an agreement to hold the subpoenas in abeyance was not only a professional courtesy to the Trustee, but also to the Court to accommodate its current scheduling limitations. I attempted on multiple occasions to seek that cooperation. It has now been over two weeks since we sent our letter to the Court seeking to quash the subpoena, and even if you were to instruct the subpoenaed parties to hold compliance in abeyance, it may be too late. We cannot risk prejudice to the Trustee on account of your unreasonableness.

Regards,
Ted

From: Greg Dexter [mailto:gdexter@chaitmanllp.com]
Sent: Friday, April 07, 2017 7:23 PM
To: Jacobs, Edward J.
Cc: Helen Chaitman; Sheehan, David J.; Shifrin, Maximillian S.
Subject: Madoff clawback hearing on subpoenas

Ted:

To confirm our conversation earlier today, you indicated that you will not agree to adjourn the hearing scheduled for Monday April 10, 2017 even though this date was only set hours ago by the Court and we are not available to attend. You also indicated that you are unwilling to adjourn the hearing even though we have told you that we are not moving forward with any of the subpoenas and have not scheduled any depositions or obtained any documents in response to the subpoenas. You further indicated that even if we produced written correspondence to the subpoenaed parties informing them not to comply, you would not agree to adjourn the hearing. You also indicated that you want the hearing to move forward on April 10, 2017 because there is a subpoena returnable on that date, even though you informed that subpoenaed party's attorney that you have filed a motion to quash and that we are not seeking compliance until your motion is resolved. Please indicate whether this is still your position.

We do not understand why there is any urgency for this hearing. We would appreciate if you would agree to a hearing date during the week of April 17. The Court indicated that if we could agree on an alternative date, we could inform the Court over the weekend and the adjournment request would likely be accommodated.

Please let us know. Thank you.

-Greg

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